

REMARKS

No new matter is added by this amendment. The present application was filed on September 30, 2003 with original claims 1-37. By this amendment, claim 1 has been amended, claim 2 has been cancelled and new independent claim 38 has been added. The claims remaining in consideration are claims 1 and 3-38. Claims 1 and 38 are independent claims. Reconsideration is respectfully requested.

The drawings were objected as failing to show every feature of the claims. Figure 2 and paragraph [0040] of the specification has been amended to include reference numeral 54 for the recover beacon. Therefore, applicants request that the objection to the drawings be withdrawn. A replacement sheet with amended Figure 2 is enclosed.

Claims 1-9 and 11-29 were rejected under 35 USC §102(b) as being anticipated by US Patent 6,624,754 issued September 23, 2003 to Mark Hoffman et al. This rejection is respectfully traversed. Independent claim 1 has been amended to more clearly identify the subject matter applicant regards as the invention. Specifically, independent claim 1 has been amended to incorporate dependent claim 2.

Amended independent claim 1 sets forth a system having a controller, a control point and a remote node. The controller is responsive to an operator for controlling operation of one of a machine or process. The control point is coupled to the controller and is located with respect to the one of a machine and process. The remote node is located with respect to the operator of the one of a machine and process for detecting a predetermined condition of the operator and automatically delivering a fault signal to the control point through a wireless communications channel in response to detecting the predetermined condition. The controller controls operation of the machine or process in response to the presence or absence of the fault signal

In contrast the '754 patent discloses a Personal Security and Tracking System which uses a "portable signal unit" and "remote switch" which are worn by the client. The "portable signal unit" communicates over a cellular network system with a "central monitoring system", but only when an alarm condition exists or a test of the system is conducted. No continuous monitoring or reporting is done. The normal state of the "portable signal unit" link to the "central monitoring system" is to be asleep to conserve battery power.

The client can generate an alarm manually, by pressing any number of buttons on a wristband unit “the remote alarm switch”. Two pieces, “the remote alarm switch” (Fig 3) and the “portable signal unit” (Fig 4) make up the system, which is attached to the client. Both of these units intercommunicate on a continuous basis over a local RF link. The client worn two part system has an automated alarm function which is triggered if either of the two units is separated forcibly from the client or if the units are separated and can no longer communicate with one another “or see the pulse” of one another’s radio unit.

Hoffman does not disclose a system that includes a controller for controlling a machine or process. Nor does Hoffman disclose a controller that controls operation of the machine or process in response to the presence or absence of a fault signal generated automatically by a remote node located with respect to the operator in response to the detection of a predetermined condition.

Since Hoffman does not include at least one element of independent claim 1, the 102(b) rejection of independent claim 1 cannot stand. Applicants respectfully request that the 102(b) rejection be withdrawn. Claims 2-9 and 11-29 are ultimately dependent upon allowable claim 1. Therefore, for the reasons set forth above, and based on their own merits, applicant respectfully asserts that claims 2-9 and 11-29 are also allowable.

Claims 10, 30, 31 and 37 were rejected under 35 USC §103(a) as being unpatentable over Hoffman. Claims 32-36 were rejected under 35 USC §103(a) as being unpatentable over Hoffman in view of US Patent 4,932,910 issued to Hayday. These rejections are respectfully traversed. Claims 10, 30, 31, and 32-37 are ultimately dependent upon allowable claim 1. Therefore, for the reason sets forth above, and based on their own merits, applicant respectfully asserts that claims 10, 30, 31, and 32-37 are allowable over the art of record.

New claim 38 sets forth a system for controlling operation of one of a machine and process. The system includes a control point and a remote node. The control point is located with respect to the one of a machine and process. The remote node is located with respect to an operator of the one of a machine and process for detecting a predetermined condition of the operator and responsively delivering a fault signal to the control point through a wireless communications channel. The predetermined condition

Applicant: Gregory Ehlers
Serial No.: 10/674,621
Group Art Unit: 2636

is one of a health of the operator, consciousness of the operation, or attentiveness of the operator.

Hoffman, for example, either requires that the client manually actuate a manual control button or requires separation of a remote alarm switch or a portable signaling unit be forcibly removed from the client. The Hoffman system does not detect any one of a health of the operator, consciousness of the operation, or attentiveness of the operator, as required by independent claim 38. Nor does Hoffman automatically generate a fault signal if one of the predetermined conditions exist.

Applicant, therefore, asserts that new independent claim 38 is allowable over Hoffman.

All of the Examiner's objections and rejections having been successfully traversed and/or made moot, applicant respectfully asserts that the present application is now in condition for allowance. An early Notice of Allowance is solicited.


If the Examiner believes that a telephone interview would be helpful, please contact the undersigned at the number below.

Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

March 25, 2005
Date

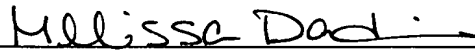


James R. Yee, Registration No. 34,460
The Pinehurst Office Center, Suite #101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304
(248) 723-0425

Applicant: Gregory Ehlers
Serial No.: 10/674,621
Group Art Unit: 2636

CERTIFICATE OF MAILING

I hereby certify that this Amendment for United States Patent Application Serial Number **10/674,621** filed **September 30, 2003** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **March 25, 2005**.



Melissa S. Dadisman

Applicant: Gregory Ehlers
Serial No.: 10/674,621
Group Art Unit: 2636

IN THE DRAWINGS:

Applicant is submitting herewith the attached one (1) sheet of replacement drawings (Figures 2 and 3) for the subject application. Figure 2 has been amended to include reference numeral 54 for the recover beacon.